

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

KEITH M. GRUBAUGH,)	CASE NO. 5:20-cv-272
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	OPINION AND ORDER
)	
COMMISSIONER OF SOCIAL)	
SECURITY,)	
)	
DEFENDANT.)	

Before the Court is the report and recommendation of Magistrate Judge Henderson, recommending that the decision of the defendant Commissioner of Social Security (“Commissioner”) denying the application of plaintiff Keith Grubaugh (“Grubaugh” or “plaintiff”) for supplemental security income (“SSI”) be reversed and remanded to the Commissioner for further proceedings under Sentence Four of 42 U.S.C. § 405(g). (*See* Doc. No. 20 (Report and Recommendation [“R&R”]) at 961.¹) The magistrate judge informed the parties that any objection must be filed with the Clerk of Courts within fourteen (14) days after being served with a copy of the R&R. (*See id.*) The R&R was filed on January 25, 2021 and electronically served upon counsel for the Commissioner. The fourteen (14) day period for filing an objection has elapsed and no objection has been filed.

¹ References to page numbers are to the page identification numbers generated by the Court’s electronic filing system.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

The failure to file written objections to the report and recommendation of a magistrate judge constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985).

The Court has reviewed the report and recommendation and accepts and adopts the same. The Commissioner's finding that plaintiff is not disabled is reversed and this case is remanded for further proceedings pursuant to Sentence Four of § 405(g) consistent with this opinion and order.

IT IS SO ORDERED.

Dated: February 11, 2021



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE